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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,370	04/13/2000	Michael Brader-Araje	9144-5	8285

20792 7590 10/04/2003

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EXAMINER

SMITH, JEFFREY A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,370

Applicant(s)

BRADER-ARAJE ET AL.

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 10-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Election

Applicant's election with traverse of Group I claims 1-9 in Paper No. 7 is acknowledged.

The traversal is on the grounds that "the nature of the subject matter is such that it would enable the Examiner to search the claims of Groups I, II, III, IV and V together" and that "it would not create an undue hardship on the Examiner to search Groups I, II, III, IV and V together".

This is not found persuasive because these allegations are not supported by any argument in support thereof. For example, Applicant has not advanced any traversal to the Examiner's position in the Restriction Requirement that "each of the subcombinations relies upon structure and functionality or steps which give rise to divergent structure and/or intent in its respective role in the over-all combination.

The requirement is still deemed proper and is therefore made FINAL.

Claims 10-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions, there being no allowable generic or linking claim.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent No. 5,898,836) in view of Ng (U.S. Patent No. 6,405,175).

Freivald et al. discloses a method of updating information maintained at an intermediary web site (col. 3, line 64-col. 4, line 21). The method comprises obtaining data that has changed (col. 7, lines 35-39); extracting keywords from the data (col. 7, lines 9-12); and storing the keywords (col. 6, lines 32-46).

Freivald et al. discloses cyclic redundancy checking (CRC) as a preferred technique in periodically (col. 6, lines 51-52) assessing current data resident in a remote site in comparison to previously stored data resident in a intermediary site (col. 6, lines 32-46).

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Although Freivald et al. discloses that "[s]ource document 30 could be any one of millions of HTML documents on the thousands of web servers connected to the Internet" (col. 10, lines 9-11), Freivald et al. does not disclose that the data is auction item data.

Ng, however, teaches that the Freivald et al. invention (i.e. U.S. Patent No. 5,898,836) can be used to periodically and automatically search an online auction site for a particular item and price (Ng: col. 2, lines 31-36).

It would have been obvious to one of ordinary skill in the art to have incorporated the invention of Freivald et al. in a method for updating and searching auction item data (as taught by Ng) because the Ng explicitly establishes that such combination is desirable for this purpose and is within the level of skill in the art.

Regarding claims 3-9, the combination of Freivald et al. and Ng does not teach a data engine at each site. However, to have provided distributed a data engine at each site, rather than the central data engine already taught by Freivald et al. (see col. 6, lines 55-67) would have been obvious to one of ordinary skill in the art in order that changes to various sites could be reported to a user immediately upon the posting of any change to a particular site, rather than upon a later periodic

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re-fetching of such site by the Freivald et al. server. Such modification would have further reduced the time and effort required of a user in keeping abreast of changes at a particular site (see Freivald et al.: col. 13, lines 9-10). Moreover, such distribution is already contemplated by Freivald et al. which teaches that "[t]he change-detection tool can be located on a server separate from the web server itself and simply be called by the site's web server" (col. 14, lines 23-25).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rackson et al. (U.S. Patent No. 6,415,270 B1) discloses a multiple auction coordination method and system which teaches that "[u]sers may additionally be permitted to supply preference information that can be used by the multi-auction service to contact bidders when items have information related to their preferences are offered for auction by the multi-auction service or its clients" (col. 14, lines 44-49).

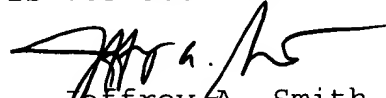
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey

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A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Jeffrey A. Smith
Primary Examiner
Art Unit 3625

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